

**SPECIAL MEETING OF THE CITY COUNCIL OF THE CITY OF LEON VALLEY, TEXAS,  
SEPTEMBER 11, 2007 AT 7:00 P.M.**

3The City Council of the City of Leon Valley, Texas, met for a Special City Council Meeting on the 11<sup>th</sup> day of September 2007 at 7:00 p.m., at the Leon Valley City Council Chambers, at 6400 El Verde Road, Leon Valley, Texas, for the purpose of the following business, to-wit:

**SPECIAL CITY COUNCIL MEETING - 7:00 P.M.**

**Call to order and Pledge of Allegiance.**

Mayor Riley called the meeting to order at 7:00 p.m. and asked that the minutes reflect that the following members of Council were present: Manea, Reyna, Baldrige, Dean and Nelson.

City Manager Lambert, City Secretary Feutz, Police Chief Wallace, Fire Chief Irwin, City Accountant Wallace, and Community Development Director Smith were also present.

Mayor Riley asked resident Robert Tome to lead the Pledge of Allegiance.

**Citizens to be heard.**

Mayor Riley asked if anyone in the audience wished to address the Council. Seeing no one, Mayor Riley announced the next agenda item.

**REGULAR AGENDA**

**Presentation and discussion by Bexar Regional Watershed Management (Flood Control) concerning Huebner and Zarzamora Creeks in Leon Valley. Presentation on new FEMA Flood Maps that will be presented to FEMA for adoption this Fall and the proposed flood control and management projects to relieve flooding in Leon Valley (Stephen Graham/Bob Tome).**

Mayor Riley introduced resident Bob Tome as the representative for 19 suburban cities on the Bexar Regional Watershed Management Committee. She welcomed Steve Graham, Assistant General Manager for the San Antonio River Authority (SARA) who delivered a presentation on the updated FEMA maps for the area and about potential Bexar County Flood Control Projects. Mr. Graham introduced SARA Board Member Ramon Rodriguez who was also present in the audience for the meeting.

Mr. Graham presented information on the new digital maps from FEMA that will update existing maps and allow them to be more useful. He stated that more than 1100 miles of creeks and streams in Bexar County were remapped. He announced that the public process for review of those maps would begin in November and after public review, he expected the final version of the maps to be delivered the end of 2008.

Mr. Graham presented slides of the potential changes that would be seen in Leon Valley, particularly along Huebner Creek. He outlined potential Bexar County Flood Control projects being considered: regional storm water detention facilities, natural water way conveyances, low water crossing improvements, storm water outfalls and property buy-outs. Mr. Graham stated that elected officials will have opportunity for input on property buy-outs. He stated that Project

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LC 22 was approved to begin the design phase of the project which could take 6-9 months to complete. Mr. Graham stated that the project had preliminarily suggested buy-out be considered for about 20 homes along Jeff Loop and El Verde Roads in Leon Valley.

Mayor Riley stated she had met with Mr. Villarreal from Bexar County earlier in the day and that she had learned much about the process but she stated that she felt that remedial work should be done first to remove dirt berms in the Huebner Creek south of the City's limit line. She also asked if the waterway proposed by SARA would be concrete or a natural waterway. Mr. Graham stated that perhaps the Bexar Regional Watershed Management Committee could serve as forum for the City of San Antonio and Leon Valley to work out the issue of creek flow, as the projects being proposed would be in progress for the next 3-10 years. He also stated that the waterway would be natural with stones and revegetation and in some areas concrete ditches.

Members of Council expressed their concern and that homes of Leon Valley residents were being discussed for possible buy-out but that residents had not been notified. Mr. Graham indicated that the number could change as the design of the project is completed in the next 6-9 months.

Councilmembers each continued ask when will the Leon Valley residents find out about the project in detail and commented on how the news presented would be alarming to Leon Valley residents and expressed their frustration in not getting more definitive answers for their residents. Mr. Graham stated that Bexar County would have to answer some of the information and he restated that the project gave a conservative estimate of about twenty homes from the Jeff Loop/El Verde Road area being affected, but Mr. Graham stated that after the design phase of the project was completed in 6-9 months, the actual buy-out could be twenty or could actually be as few as five to ten homes. He stated that the project had just won approval from the Bexar County Commissioners' Court and the finer details of the project were not available.

Resident Al Uvietta addressed Council stating that the website, [www. BexarFloodFacts.com](http://www.BexarFloodFacts.com), provides information on the project and will allow residents to zoom in on the properties highlighted for the project.

Mr. Tome thanked Council for allowing time for the presentation on their agenda.

**Second and Final Public Hearing on the proposed 2007 tax rate of \$.527400 per \$100 valuation, which is .01 cent lower than the 2006 tax rate of .537400. The vote on the proposed tax rate will be held during the City Council Meeting to be held on September 18, 2007, 7:00 p.m., at City Council Chambers, City Hall, 6400 El Verde Road, Leon Valley, Texas.**

Mayor Riley read aloud the agenda item title. City Manager Lambert stated that the proposed tax rate was \$0.01 lower than the 2006 tax rate, but, with increased Bexar County property appraisals, the citizens of Leon Valley will actually have a tax increase of 7.3536%.

Mayor Riley opened the public hearing at 7:55 p.m. and invited the public to address the Council.

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Resident Al Baldrige asked for clarification on the roll back tax rate. City Manager Lambert explained that if the City exceeds their revenues through ad valorem taxes by 8% , then the City would be susceptible to a roll back tax election.

Mayor Riley called Mr. Ramos who had signed up to speak for the public hearing, but no one came forward.

Mayor Riley closed the public hearing at 7:58 p.m. and announced that Council would vote on the proposed tax rate on September 18, 2007.

**Consider M&C # 09-08-07 - a request to authorize additional funding for the Citizens Neighborhood Progress Committee for expenditures to educate the public on the Street Maintenance Sales Tax for the November 6, 2007 Special Election and for other related expenses (Marin).**

City Manager Lambert explained to Council that the Chair for the Citizens Neighborhood Progress Committee (CNPC), Nancy Marin, could not attend tonight's meeting and she had asked him to present their request to Council. Mr. Lambert reminded Council that they had approved funding of \$1850, but the Committee was asking that Council reconsider the additional \$1850 previously approved for 4B Sales Tax educational efforts now be added to what Council approved for educational efforts for the Street Maintenance Sales tax.

Mr. Lambert presented the costs proposed for legal fees, post cards or brochures, phone call-outs, web page addition to the City's web page, conference center rental, newspaper ads, radio ads, and the costs for Spanish translation which totaled approximately \$9841.00.

Councilman Reyna recommended that mail on the election issue not be sent to businesses nor call-outs go out to businesses, as they are not typically voters in the City's elections. He also stated that since a public meeting on the election would be an official, City meeting, no rent should be paid for the meeting. He recommended using the NW Weekly instead of the Helotes Echo and against the radio ads. He also recommended that legal fees be removed from the funding request as the City Attorney is already on a budgeted monthly retainer.

Councilmember Baldrige recommended that we put the Election notice in the next Lion's Roar issue. She recommended against approval of funding for radio ads.

Councilmember Nelson recommended use of the web page, but she recommended against the call outs and the radio ads. She recommended budgeting for a translator for American Sign Language and/or Spanish to be available for any public meetings on the election.

Councilmember Dean stated he was concerned about staff being involved with the educational effort. He asked that the City Attorney be asked to clarify which of the educational efforts would be permitted.

Discussion continued about educational efforts to inform the voter versus political advertising and the need to have legal advice before any print, telephone announcement, webpage information or other election information be distributed to the public.

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CNPC member, Rudy Garcia, addressed Council stating the educational effort was only to inform the citizens of what the sales tax measure meant. He stated that the information proposed by the CNPC for educational efforts was no to advocate votes for or against the measure.

Resident Al Baldrige addressed Council stating that the CNPC had fulfilled their mission when they made their recommendation to Council and he recommended that the CNPC be disbanded. He stated that the request for funding was more than what was necessary. He recommended that the Election Notice and a public meeting be set up and let the voters say the rest. He also stated there was a duplication of efforts for economic development with having both a Business Alliance Committee and the CNPC.

A motion was made by Councilman Reyna, to adopt a budget for the CNPC for education efforts for the November 6, 2007 Special Election as presented at this meeting but with the removal of items 5, 6, and 7 (the Conference Center rental, the newspaper ads, and the radio ads) and deleting the businesses for the call-outs and the mail-outs and adopt the remaining amount requested and that it meets legal approval. The motion was seconded by Councilman Manea.

After discussion, the motion was withdrawn by Councilman Reyna and Councilman Manea. A new motion was made by Councilman Reyna, seconded by Councilmember Dean, to table any decision until an updated list of expenses could be presented to Council at the September 18, 2007. Upon vote, Mayor Riley announced the motion carried and the issue would be tabled until September 18, 2007.

**Consider M&C # 09-09-07 with attached ordinance - a request to amend City Code  
Chapter 19 "Plumbing" to add Section 19.500 "Rainwater Harvesting" (Smith).**

Community Development Director Smith addressed Council asking for their consideration to revise the City Code, Chapter 19 "Plumbing" to add Section 19.500 "Rainwater Harvesting" to encourage rainwater collection by residential and commercial property owners, to set standards for regulating rainwater harvesting systems and related equipment, and to require permits and inspections of rainwater harvesting systems. Ms. Smith stated that the fiscal impact will include fees for permits, permit fees and inspection fees and for training. She stated that she was researching grant assistance for a demonstration rainwater harvesting program to be set up for City facilities in the future.

In response to questions from Council, Ms. Smith stated that rainwater harvesting for the City would be for non-potable water use which would protect any contamination of the City's water system and she stated that rechecks on rainwater systems would be by complaint basis.

Following discussion, a motion was made by Councilman Reyna, seconded by Councilmember Baldrige, to approve the amendment as presented. Upon vote, Mayor Riley announced the motion carried and the Code would be amended.

**City Manager's report.**

City Manager Lambert provided copies of the Economic Development Plan proposals submitted prior to May 2007. He also stated that advertising and recruitment would begin for a new Economic Development Director and with a goal to fill the position by January 1, 2008. He

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recommended that the City pursue someone who can be a grant ombudsmen and who has marketing skills as the new Economic Development (ED) Director. Councilman Reyna recommended that the new Economic Development Director be well versed with 4B sales tax experience and be hired as soon as possible. Councilmember Baldrige recommended hiring as soon as possible also. Councilman Manea recommended that money from the \$50,000 vision plan be used to supplement pay as needed for a new ED Director. Council directed the City Secretary to locate minutes to explain what the intention was for the \$50,000 in the Economic Development budget.

**Citizens to be heard.**

Resident Al Baldrige complimented the Community Development Director on the rainwater harvesting program. Mr. Baldrige asked who appointed the COED committee. Mayor Riley stated that the committee was a group of volunteers not appointed by the Council or the City. He also recommended that there be a couple of public hearings for the public to hear about the election issues.

**Announcements.**

Mayor Riley stated that she had received a thank you note from residents for the new playground equipment and announced that the ribbon cutting for the new adaptive playground at Raymond Rimkus Park would be held on Saturday, September 22, 2007 at 10:00 a.m.. She announced that the prayers and thoughts of the City were with Patrick Wright, the City Engineer, who was in the hospital. She also announced that the Earthwise Living Committee received more information from Waste Management on what actually can be recycled and what cannot be recycled, and she will bring that updated information to Council.

City Manager Lambert announced that the City had been informed that the Forestry Grant had been announced for the City and that staff would bring back the grant information to the Council at the next meeting for their consideration.

**Convene into executive session in accordance with the Texas Government Code,  
Section 551.074, "Personnel Matters" to discuss the selection for City Attorney Services.**

Mayor Riley announced that the City Council would convene into executive session in accordance with Section 551.074, "Personnel Matters" to discuss the selection for City Attorney Services at 9:00 p.m.

Councilman Reyna moved that the executive session discussion be tabled until options for consensus can be reached and until the City Manager can find other options. Councilman Manea seconded the motion stating that he wanted to hear more in discussion in open session on the motion.

Councilman Reyna stated that he felt the Council needed consensus for the two people that Council hires - the City Manager and the City Attorney. He stated that the Council did not have consensus from previous discussions and recommended that the City Manager should be charged by Council with finding other options so that Council can reach consensus on the matter.

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Councilmember Dean expressed his disagreement and stated that he wished to hear in executive session the Mayor's findings and to continue discussion on the City Attorney selection.

Mayor Riley called for a vote on the motion to table the executive session and the votes were as follows: Councilman Manea and Reyna for the motion and Councilmembers Baldrige, Dean and Nelson voting against the motion. Mayor Riley announced that the motion failed and announced that Council would go into executive session at 9:03 p.m. to discuss the selection of City Attorney services.

**Reconvene into open session.**

Mayor Riley reconvened Council into open session at 9:34 p.m.

**Consider discussion and any action as appropriate from executive session.**

A motion was made by Councilmember Dean, seconded by Councilmember Baldrige, to enter into agreement with the law firm of William C. McKamie, P.C. for legal services as City Attorney for the City of Leon Valley.

Mayor Riley asked for a roll call vote of Council which went as follows: Manea and Reyna voted against the motion and Baldrige, Dean, and Nelson voted for the motion. Mayor Riley announced that the Law Offices of William McKamie, with Attorney Frank Onion, would be the new firm handling City Attorney duties by a vote of 3:2 of the Council; she announced the motion carried.

**Adjourn.**

Mayor Riley asked if there was any other business to be heard, and hearing no one, a motion was made by Councilmember Baldrige, seconded by Councilmember Dean, to adjourn the meeting. Mayor Riley announced the meeting adjourned at 9:36 p.m.

ATTEST:

Chris Riley  
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Mayor

Marie Feutz  
\_\_\_\_\_  
City Secretary

*Approved by vote of City Council at the Regular City Council Meeting of October 2, 2007.*